



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329

(916) 322-5660 • Fax (916) 322-0886

May 3, 2011

✓ Michael Kathleen Self
City Councilmember
City of Santa Barbara

REDACTED

Re: Warning Letter - FPPC No. 11/071, Michael Kathleen Self

Dear Ms. Self:

The Fair Political Practices Commission (the "FPPC") enforces the provisions of the Political Reform Act (the "Act"),¹ found in Government Code section 81000, et seq. This letter is in response to a complaint filed against you alleging violations of the Act's conflicts of interests provisions.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that on or about December 7, 2010: 1) you were a member of the Santa Barbara City Council; 2) you voted to approve Alternative 2B, Sub-option 1 in the Options Report; 3) you owned real property in Santa Barbara, CA; 4) your real property was directly involved in the decision because your real property is within the defined boundaries for the Project Study Area in the Options Report, and therefore it is within 500 feet of the boundaries (or the proposed boundaries) of the property which is the subject of the governmental decision; 5) the financial effect of the decision on your real property was material; and 6) the material financial effect was reasonably foreseeable.

The Act provides that a public official is prohibited from making decisions regarding matters in which he/she has a financial interest. Specifically, the Act provides in Government Code Section 87100: "No public official at any level of state or local government shall make, participate in making, or in any way attempt to use his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest." To determine whether an individual has a disqualifying conflict of interests, the FPPC generally employs the following sequenced analysis: 1) was the individual a public official; 2) did the official make, participate in making, or use or attempt to use his official position to influence a

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

governmental decision; 3) what are the public official's economic interests; 4) was the economic interest affected by the decision, either directly or indirectly; 5) was the economic interest materially affected by the decision; 6) was it reasonably foreseeable that the economic interest would be materially affected by the decision. (See Regulation 18700.)

Your actions violated the Act because you made a governmental decision which would reasonably have a material financial effect on your real property. Thus, you had a disqualifying conflict of interest under the Act and should have recused yourself from voting on the matter.

However, upon review of the evidence available, it appears there are mitigating circumstances. While your real property is within the defined boundaries for the Project Study Area in the Options Report, the focus of Santa Barbara City Council's vote was that Calle Real be changed to two-way traffic, along with widening the southbound off-ramp and putting a new "hook" off-ramp at Hwy 101 and Las Positas, which are approximately 1,500 feet from your real property. Thus, it appears that you believed in good faith that your property was not within 500 feet of the boundaries of the property at issue. Additionally, it appears that at the time of this decision, funding for the Project was tenuous.

This letter serves as a written warning. You are advised that your failure to comply with the provisions of the Political Reform Act in the future could result in an enforcement action. Additionally, the information in this case will be retained, and may be used against you should an enforcement action later become necessary based on future conduct and/or newly discovered information. Please be advised that your failure to comply with the provisions of the Act in the future may result in monetary penalties of up to \$5,000 for each violation.

A warning letter is an FPPC case resolution without administrative prosecution or fine. However, the warning letter resolution does not provide you with the opportunity for a probable cause hearing or hearing before an Administrative Law Judge or the Fair Political Practices Commission. If you wish to avail yourself of these proceedings by requesting that your case proceed with prosecution rather than a warning, please notify us within ten (10) days from the date of this letter. Upon your notification, the FPPC will rescind this warning letter and proceed with administrative prosecution of this case. If we do not receive such notification, this warning letter will be posted on the FPPC's website ten (10) days from the date of this letter.

Please feel free to contact me with any questions you may have regarding this letter.

Sincerely,

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Angela J. Brereton
Senior Commission Counsel
Enforcement Division